

MAY 24 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

LAURA A. AUSTIN, CLERK
BY: A. Meade
DEPUTY CLERK

UNITED STATES OF AMERICA

:

: Case No. 2:23 CR 10

:

v.

: Violations: 21 U.S.C. §§ 846, 841

RODERICK CHANCE THOMAS-KIRBY : 18 U.S.C. §§ 922, 924

INDICTMENT

The Grand Jury charges that:

COUNT ONE

1. On or about and between August 2022 and March 2023, in the Western District of Virginia and elsewhere, RODERICK CHANCE THOMAS-KIRBY, James "JT" Thomas Green, and others knowingly and intentionally conspired to distribute and possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.

2. All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

COUNT TWO

1. On or about February 2, 2023, in the Western District of Virginia, RODERICK THOMAS-KIRBY knowingly and intentionally distributed 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

2. All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT THREE

1. On or about February 6, 2023, in the Western District of Virginia, RODERICK THOMAS-KIRBY knowingly and intentionally possessed with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.

2. All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT FOUR

1. On or about and between August 2022 and March 2023, in the Western District of Virginia and elsewhere, RODERICK THOMAS-KIRBY knowingly possessed a firearm, namely a 9mm Glock pistol, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States (conspiracy to distribute and possess with the intent to distribute a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, as set forth in Count One, distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, as set forth in Count Two, and possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, as set forth in Count Three).

2. All in violation of Title 18, United States Code, Section 924(c).

COUNT FIVE

1. On or about February 6, 2023, in the Western District of Virginia, RODERICK THOMAS-KIRBY, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely a 9mm Glock pistol, which was in and affecting commerce.

2. All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Information, the defendant shall forfeit to the United States:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to 21 U.S.C. § 853(a)(1).
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to 21 U.S.C. § 853(a)(2).
- c. any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in 21 U.S.C. § 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to 21 U.S.C. § 881(a)(11) and 28 U.S.C. § 2461(c).
- d. any firearms and ammunition involved or used in the commission of said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

Firearms and Ammunition

- a. 9mm Glock pistol, serial number ADXN749, with 25 rounds of ammunition
- b. Rounds of ammunition found in 9mm Glock pistol

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 24 day of May, 2023.

/s/ Grand Jury Foreperson

Handwritten signature of Christopher R. Kavanaugh in blue ink, followed by the initials "PDS".

CHRISTOPHER R. KAVANAUGH
United States Attorney